

REMARKS

Reconsideration of the application, and the rejection of claims 1-20 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated August 25, 2004 (Paper No. 20040813) and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-11 and 19 stand rejected under 35 U.S.C. 112 as being indefinite. In response, Applicant amended claims 1 and 19 as suggested by the Examiner. For this reason, withdrawal of the §112 rejection is respectfully requested.

Claims 1-7, 9-10, 12-18 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hays et al. (U.S. Patent Application Publication No. US 2003/0145799). In response, Applicant amended independent claims 1 and 12 to clarify that the doorway frame member has at least one boss formed therewith and the doorframe member is attached to the boss, and respectfully traverse. Applicant also amended claim 17 to clarify that the door cross-frame members have at least one boss integrally formed therewith and configured for connecting to first and second barrier securing frame members, and respectfully traverse. Allowable claims 11 and 19 are written in independent form, with minor amendments to claim 19.

Hays is directed to an animal enclosure system that uses a coded metal wire grid mounted within a frame formed of horizontal and vertical support members. Hays fails

to disclose or suggest a doorway frame member having at least one boss formed therewith, as now recited in amended claims 1 and 12. Hays also fails to disclose or suggest at least two door cross-frame members having at least one boss formed therewith. Rather, as the Office Action states, Hays has lower corners 116 shown in FIG. 7, for example, that connect door cross-frame members and functions as “bosses”. However, the lower corners 116 are not bosses, or formed with the support 108, but instead are secured to the support members by fasteners 118. That is, as shown in FIG. 6, fasteners 118 secure a first symmetrical half 115a of the upper corner 114 to a second symmetrical half 115b to secure the horizontal and vertical support members 108 together.

In contrast, as shown in FIG. 6 of the present invention, for example, bosses 128, 128b, 133a, and 133b are integrally formed with the upper frame member 121 and the lower frame member 122, respectfully. In this manner, less components or material is needed to form a door and doorway combination as compared to the structure of Hays. Moreover, assembly of the present invention is more facile than assembly of the structure of Hays because no alignment of the symmetrical halves 115a, 115b, or fastening of the halves using fasteners 118 is needed. For these reasons, withdrawal of the §102(e) rejection of claims 1-7, 9-10, 12-18 and 20 is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hays, and further in view of Broski Jr. (U.S. Patent No. 4,422,622). Applicant traverses the rejection for the reasons recited above with respect to the rejection of independent claim 1.

More specifically, since claim 8 ultimately depends upon claim 1, it necessarily

includes all of the features of its associated independent claim plus other additional features. Thus, Applicant submits that the §103 rejection of claim 8 has also been overcome for the same reasons mentioned above to overcome the rejection of independent claim 1, and also because Broski fails to overcome the deficiency of Hays. Applicant respectfully requests that the §103 rejection of claim 8 also be withdrawn.

New claim 21 is added and further defines a gate panel of a kennel as having a door and doorway that share a common frame member. Applicant earnestly solicits allowance of new claim 21.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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